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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

In Re Bard IVC Filters Products
Liability Litigation

No. MD-15-02641-PHX-DGC

**MOTION TO SEAL DOCUMENTS
LODGED BY DEFENDANTS**

LISA HYDE and MARK HYDE, a
married couple,

Plaintiffs,

v.

C.R. BARD, INC., a New Jersey
corporation and BARD PERIPHERAL
VASCULAR, an Arizona corporation,

Defendants.

In accordance with Section 25 of the Stipulated Protective Order [Doc. 269], Plaintiffs Lisa and Mark Hyde move this Court to seal the documents that Defendants C.R. Bard, Inc. and Bard Peripheral Vascular (collectively "Bard") lodged pursuant to the Notice of Lodging Under Seal Certain Exhibits in Support of Bard's Motion for Summary Judgment as to Plaintiffs Lisa and Mark Hydes's Claims ("Notice") [Doc. 7361]. As Bard admits in its Notice, the information and materials it has lodged "contain Plaintiffs' personal healthcare information that is protected under HIPAA and confidential under the

1 Stipulated Protective Order.” Notice at 1. Indeed, there is no dispute regarding the need
2 to file the lodged documents under seal.

3 The information that Bard has lodged with its Notice all relates to Plaintiffs’
4 personal healthcare, treatment, and medical records. Such information is clearly protected
5 under the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996
6 (“HIPAA”), 45 C.F.R. § 160, 164(A) & (E). And, the knowing disclosure of such
7 information is prohibited by 42 U.S.C. § 1320d-6. Again, there is no dispute as to the
8 protected nature of the information – Bard admits that in its Notice. And, this Court has
9 already granted the filing under seal of the same (or similar) information when the parties
10 submitted their respective bellwether submissions. [See Doc. 4366.]

11 Accordingly, Plaintiffs request that the Court order the information and documents
12 lodged with Bard’s Notice at docket number 7361 be filed under seal.

13 RESPECTFULLY SUBMITTED this 12th day of September 2017.

14 GALLAGHER & KENNEDY, P.A.

15 By: /s/ Paul L. Stoller
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26 **CERTIFICATE OF SERVICE**

27 I hereby certify that on this 12th day of September, 2017, I electronically
28 transmitted the attached document to the Clerk’s Office using the CM/ECF System for
filing and transmittal of a Notice of Electronic Filing.

/s/ Deborah Yanazzo